PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GRA3189PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416				
International application No.	International filing date (day/mor	th/year) Priority date (day/month/year)				
PCT/EP2004/014147	13.12.2004	12.12.2003				
International Patent Classification (IPC) or nat	tional classification and IPC	1				
C08J5/18, C08J3/24, A61 K9/00, A61 K9/70, C08B15/00						
Applicant						
LTS LOHMANN THERAPIE	-SYSTEME AG					
1 This was A is the interestinal and		deal beatle Total and Dellacione Francisia - Antholic				
This report is the international preli- under Article 35 and transmitted to t		shed by this International Preliminary Examining Authority				
2. This REPORT consists of a total of	4 sh	eets, including this cover sheet.				
3. This report is also accompanied by A	ANNEXES, comprising:					
a. (sent to the applicant and	d to the International Bureau) a tota	1 of 2 sheets, as follows:				
		h have been amended and are the basis for this report and/or				
sheets containing re Instructions).	ectifications authorized by this Aut	nority (see Rule 70.16 and Section 607 of the Administrative				
sheets which super	sede earlier sheets, but which this	Authority considers contain an amendment that goes beyond				
the disclosure in the Box.	ne international application as filed	, as indicated in item 4 of Box No. I and the Supplemental				
b. (sent to the International	Ruregu only) a total of (indicate ty	pe and number of electronic carrier(s))				
(sem to the International	Dureau only, a total of (maleure ty					
, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see						
Section 802 of the Administrative Instructions).						
4. This report contains indications relat	ing to the following items:					
Box No. I Basis of th	e report					
Box No. II Priority						
Box No. III Non-establ	ishment of opinion with regard to n	ovelty, inventive step and industrial applicability				
Box No. IV Lack of un						
	citations and explanations supporting such statement					
Box No. VI Certain do	Box No. VI Certain documents cited					
Box No. VII Certain de	Box No. VII Certain defects in the international application					
Box No. VIII Certain ob	Box No. VIII Certain observations on the international application					
Date of submission of the demand	Date of co	npletion of this report				
Name and mailing address of the IPEA/EP		officer				
Facsimile No.		No.				

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014147

Box	No. I	Basis of the report						
1.		n regard to the language , this report is based on the internaticated under this item.	onal application in the language in	which it was filed, unless otherwise				
			is report is based on translations from the original language into the following language, ich is the language of a translation furnished for the purposes of:					
		international search (Rule 12.3 and 23.1(b))						
		publication of the international application (Rule 12.	4)					
		international preliminary examination (Rule 55.2 and	,					
2.	rece	h regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the eiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to report):						
		the international application as originally filed/furnished						
	\boxtimes	the description:						
		pages		as originally filed/furnished				
		pages*	_ received by this Authority on _					
		pages*	_ received by this Authority on					
	\boxtimes	the claims:						
		nos.		as originally filed/furnished				
		nos.*	as amended (together					
		nos.* 1-9	_ received by this Authority on	06.12.2005 with letter of 02.12.2005				
		nos.*	_ received by this Authority on					
		the drawings:						
		sheets		as originally filed/furnished				
		sheets*	received by this Authority on _					
		sheets*	received by this Authority on					
		a sequence listing and/or any related table(s) – see Suppler	mental Box Relating to Sequence Li	isting.				
3.	П	The amendments have resulted in the cancellation of:						
		the description, pages						
		the drawings sheets/figs	the claims, nos the drawings, sheets/figs					
		any table(s) related to sequence listing (specify):						
4.		This report has been established as if (some of) the amer they have been considered to go beyond the disclosure as	ndments annexed to this report and	listed below had not been made, since				
		the description, pages						
		the claims, nos.						
		the drawings, sheets/figs						
		the sequence listing (specify):						
		any table(s) related to sequence listing (specify):						
*	If ite	em 4 applies, some or all of those sheets may be marked "su	perseded."					

International application No.
PCT/EP2004/014147

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1.	Statement			
	Novelty (N)	Claims <u>1-4</u>	YES	
		Claims 5-9	NO	
	Inventive step (IS)	Claims	YES	
		Claims 1-9	NO	
	Industrial applicability (
		Claims		
2.	Citations and explanations (Rule 70.7)		
	•	makes reference to the following documen	n+ c •	
	inis report i	takes reference to the following documen		
	D1: U	S-B1-6 375 963 (REPKA MICHAEL A ET AL) 2	>3	
		oril 2002 (2002-04-23)		
) 99/55312 A (VIROTEX CORPORATION) 4		
		ovember 1999 (1999-11-04)		
) 98/22097 A (BIO ADVANCES1 LLC) 28 May	1998	
		998-05-28)		
	·	O 01/58430 A (NATIONAL STARCH AND CHEMIC	CAL	
		IVESTMENT HOLDING CORPORATION) 16 August		
	2	001 (2001-08-16)		
	D5: E:	P-A-0 410 696 (E. R. SQUIBB & SONS, INC)	30	
	J.	nuary 1991 (1991-01-30)		
	D6: W	0 03/063839 A (NATIONAL STEEL CORPORATION	ON;	
	U!	JIVERSITEIT UTRECHT; NATIONAL STARCH ANI)) 7	
	A ⁻	igust 2003 (2003-08-07)		
	D7: D	210146251 A1 (2003-04-17), cited in the		
	aj	pplication		
	1. The subj	ect matter of claims 5 to 9 of the		
	application :	s not novel (PCT Article 33(2)) in ligh	ıt of	
-	the optional	y multilayered film-forming administrat	.ion	
	forms disclos	ed in D1 to D6, said administration for	ms	

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

having an active substance-containing layer of a polyacrylic acid derivative and a polysaccharide, such as hydroxypropyl (methyl) cellulose or hydroxyethylcellulose, wherein, in the production thereof, naturally an at least partial crosslinking between the polyacrylic acid derivative and the polysaccharide took place (see the text passages cited in the search report). It should also be noted that a product is not automatically novel just because is has been produced by means of another method.

2. The subject matter of claims 1 to 4 is obvious (PCT Article 33(3)) from the routine use of known devices (see D7, figure 4 and claim 10), wherein a two-substance nozzle, which permits different solutions of polymers and crosslinkers to be sprayed simultaneously, is used in the production of optionally multilayered film-forming administration forms by means of spraying, as disclosed in D2, D3 or D4. It should also be noted that such a device is used for the only comparative test of the application, and the problem addressed by the application can therefore only be that of providing other good methods of producing film-forming administration forms. The application does not contain anything that could substantiate a more ambitious problem to be solved (for example, providing an improved method of producing a film-forming administration form) in relation to the searched prior art.